TOWN OF ELSMERE BOARD OF ADJUSTMENT MEETING MINUTES May 27, 2014 6:30 P.M.

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT

APPROVAL OF MINUTES:

Minutes from the April 22, 2014 Board of Adjustment Meeting

ACTION: Board Member Russo made a motion to approve the Minutes from the April 22, 2014 Board of Adjustment meeting. The motion was seconded by Board Member Smith.

VOTE: 5 - 0 Motion carried

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 14-05 Tax Parcel # 1900-500-138

Ramon Falcon spoke for the applicant and stated that his organization plans on expanding in the future. He stated that they will comply with the Fire Marshal's determination of maximum capacity and will move to a larger building once they reach capacity.

A lengthy discussion followed. Board Member Russo questioned whether the organization is tax-exempt and stated that the Board needs the confirmation from the IRS that the organization has filed as a non-profit.

Carmen Thompson, a representative of the property owner, stated that the parking located behind the building could be designated for the subject property. Ms. Thompson stated that the parking spots are shared by the three adjacent parcels that are all owned by Richard DeVincentis. She stated that he does not intend on selling any of the parcels at this time.

Board Member Smith asked about the lease for the building that states it is a residential lease. Ms. Thompson stated that it is a standard lease that is used for their other properties, which are residential. Town Manager John Giles noted that the lease includes a first right of refusal.

Town Manager Giles stated that the organization is requesting a variance to every section of the Code that applies to a church / ministry.

ACTION: Board Member Smith made a motion to deny Petition 14-05 due to not being tax exempt, no designated parking area for the building, and it has a residential lease rather than a commercial lease. The motion was seconded by Board Member Boyd.

VOTE: 5 - 0 Motion carried

Review Petition 14-06 Tax Parcel # 1900-100-076

Applicant Shawn Lyons stated that he is seeking approval to install a driveway. He stated that the existing two concrete slabs are deteriorating and are unsafe. Mr. Lyons stated that the plot plan shows a full driveway. He also stated that when he purchased the home, his attorney told him he could install a driveway.

Code Enforcement Officer Brian Swift stated that lot coverage is currently 30% and the property is located in the flood plain.

Mr. Lyons stated that a pervious system will cost \$40,000. Town Manager Giles stated that the applicant needs to show that the proposed work will not impact the flood plain.

Councilman Robert Kacperski spoke in favor of the petition and stated that the existing driveway is in need of repair.

ACTION: Board Member Russo made a motion to approve Petition 14-06. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 opposed Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo – Yes, Smith – No

Review Petition 14-07 Tax Parcel # 1900-400-412

Mary Armbrust spoke on behalf of the applicant who is requesting approval to install a driveway for the purpose of safety and security. The existing driveway has room for one car and the applicant's other car is parked in the street. The property is located at a dangerous intersection.

Code Enforcement Officer Swift stated that the Town has received five to six letters in favor of the application from residents.

Councilman Kacperski spoke in favor of the petition and stated that six residents have spoken to him in favor of the project.

ACTION: Board Member Russo made a motion to approve Petition 14-07. The motion was seconded by Board Member Smith.

VOTE: 5 - 0 Motion carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Russo.

VOTE: 5-0 Motion carried

These minutes summarize the agenda items and other issues discussed at the May 27, 2014 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN PATTY BOYD, SECRETARY